

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with claims 1, 9, and 15 being the independent claims. Claims 1, 6, 8, 9, and 15 are sought to be amended. Claims 1, 9, and 15 are sought to be amended to remove the unnecessarily limiting word "directly" and to clarify the term "normalized weather factor metrics data." Support for this clarifying amendment can be found, for example, in paragraphs [0096], [0102], and [0010] of the specification as originally filed. Claims 6 and 8 are sought to be amended to make the claims dependent on claim 1 and to remove repetitive verbiage. These changes are believed to introduce no new matter and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

**Telephonic Examiner Interviews of August 4, 2009, and August 10, 2009**

Applicants wish to thank Examiner Gerald C. Vizvary and his supervisor, Examiner Ella Colbert, for being agreeable to an interview on August 4, 2009, with Applicants' representatives Timothy Doyle (Reg. No. 51,262) and LuAnne DeSantis (Reg. No. 57,891), and a follow-up interview on August 10, 2009 (LuAnne DeSantis only), regarding the Office Action dated June 9, 2009. The following paragraph provides a brief summary of the interviews.

Applicants' representatives explained the intent behind the use of the word "directly" in claims 1, 9, and 15, and argued that U.S. Patent Application Publication No. 2003/0004780 A1 to Smith *et al.* (hereinafter, "Smith") could not be combined with U.S. Patent No. Atty. Docket: 1481.0100006

6,018,317 to Dogan *et al.* (hereinafter, "Dogan") to teach the recited features. Examiner Vizvary provided his interpretation of the claims and stated that he wanted to take a closer look at them. In the follow-up interview, Examiner Vizvary contended that Dogan was still applicable and that he was inclined to maintain his rejection. Alternative claim amendment possibilities that did not include the term "directly" were then generally discussed.

**Rejections Under 35 U.S.C. § 103**

**Claims 1, 2, 4-10, 12, 13, 15, 16, and 18-20**

On page 2 of the current Office Action, claims 1, 2, 4-10, 12, 13, 15, 16, and 18-20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Smith in view of Dogan. Applicants respectfully request that this rejection be reconsidered and withdrawn based on the following remarks.

***Claims 1, 9, and 15***

Neither Smith nor Dogan, alone or in combination, teaches or suggests, for example:

said recombination processor is configured to produce normalized weather factor metrics data based on the weather metrics data and data from the weather factor relationship knowledgebase, *the normalized weather factor metrics data being indicative of a percentage increase or decrease in demand relationship strength in a first time period over a second time period,*

as recited in amended claim 1 (emphasis added). Claims 9 and 15, as amended, include similar distinguishing features. For at least this reason, claims 1, 9, and 15 are allowable over Smith in view of Dogan. Accordingly, Applicants respectfully request that the rejection of claims 1, 9, and 15 be reconsidered and withdrawn.

With regard to the removal of the word "directly" from claims 1, 9, and 15, Applicants submit that they do not acquiesce to the Examiner's remarks with regard to the usage of this term in the claims. Furthermore, Applicants do not acquiesce to the introduction of Dogan to show this feature. Applicants believe the Examiner has not interpreted the usage of the term "directly" as intended. However, Applicants have removed the term "directly" from these claims, as it is unnecessarily limiting, rendering moot any further discussion of the term "directly" in this paper.

***Claims 2, 4, 5, 6, 7, 8, 10, 12, 13, 16, and 18-20***

Claims 2, 4, and 5, and claims 6 and 8 as amended, depend from claim 1, and are therefore patentable for at least the same reasons claim 1 is patentable, and further for their respective additional distinguishing features. Claim 7 depends from claim 6, which has been amended to depend from claim 1, and is therefore patentable for at least the same reasons that claim 1 is patentable, and further for its own additional distinguishing features. Claims 10, 12, and 13 depend from claim 9, and are therefore patentable for at least the same reasons claim 9 is patentable, and further for their respective additional distinguishing features. Claims 16 and 18-20 depend from claim 15, and are therefore patentable for at least the same reasons claim 15 is patentable, and further for their respective additional distinguishing features. (Applicants note, however, that claim 20, although listed on page 2 as being included in this rejection, was not specifically addressed with regard to this rejection.) Thus, Applicants respectfully request that the rejection of claims 2, 4, 5, 6, 7, 8, 10, 12, 13, 16, and 18-20 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

***Official Notice with regard to Claims 4, 6, 8, 12, and 18***

Applicants respectfully traverse the Official Notice taken by the Examiner in the rejections of claims 4, 6, 8, 12, and 18. With respect to claims 4, 12, and 18, Applicants respectfully traverse the Official Notice taken that the use of proxy data is well known in the art. With respect to claims 6 and 8, Applicants traverse the Official Notice taken that is old and well known in the art to use separate processors for separate functions in the design of signal processing systems. If any of these rejections are maintained in the future, Applicants respectfully request that the Examiner provide a reference that shows these features.

**Claims 3, 11, 14, 17, and 20**

On page 14 of the current Office Action, claims 3, 11, 14, 17, and 20 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Smith in view of Dogan, and further in view of U.S. Patent No. 6,473,084 B1 to Phillips *et al.* (hereinafter, "Phillips"). Applicants respectfully request that this rejection be reconsidered and withdrawn based on the following remarks.

Phillips does not cure the deficiencies of Smith and Dogan, discussed above with respect to claims 1, 9, and 15. Claim 3 depends from claim 1, and is therefore patentable for at least the same reasons that claim 1 is patentable, and further for its own additional distinguishing features. Claims 11 and 14 depend from claim 9, and are therefore patentable for at least the same reasons claim 9 is patentable, and further for their respective additional distinguishing features. Claims 17 and 20 depend from claim 15, and are therefore patentable for at least the same reasons claim 15 is patentable, and further for their respective additional

distinguishing features. Thus, Applicants respectfully request that the rejection of claims 3, 11, 14, 17, and 20 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/ LuAnne M. DeSantis #57,891 /

LuAnne M. DeSantis  
Attorney for Applicants  
Registration No. 57,891

Date: September 9, 2009

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

*998455\_1.DOC*

Atty. Docket: 1481.0100006